

Agreement
between the
Government of the United States of America
and the Government of the Republic of Mozambique
regarding the Surrender of Persons
to International Tribunals

The Government of the United States of America and the Government of the Republic of Mozambique, hereinafter "the Parties,"

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Considering that the Parties have each expressed their intention to, where appropriate, investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

Hereby agree as follows:

1. For purposes of this agreement, "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.
2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,
 - (a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal is established by the UN Security Council, or
 - (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to any international tribunal, unless such tribunal has been established by the UN Security Council.
3. When the Government of the United States extradites, surrenders, or otherwise transfers a person of Mozambique to a third country, the Government of the United States will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless

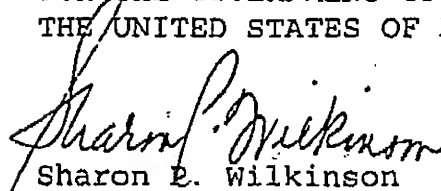
such tribunal is established by the UN Security Council absent the express consent of the Government of the Republic of Mozambique.

4. When the Government of the Republic of Mozambique extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Mozambique will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal is established by the UN Security Council, absent the express consent of the Government of the United States.


5. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done at Maputo, in duplicate, this 24th day of June 2003, in the English and Portuguese languages. In case of differences in interpretation, the English language text shall prevail.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA


Sharon E. Wilkinson
Ambassador

FOR THE GOVERNMENT OF
THE REPUBLIC OF MOZAMBIQUE


Dr. Leonardo Santos Simão
Minister of Foreign
Affairs and Cooperation